

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERON HUNTER,

Plaintiff,

v.

KATHLEEN HOLMES, *et al.*,

Defendants.

/

Case No.: 20-10534

Nancy G. Edmunds
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

**ORDER TO PROVIDE ADDRESS AND AGENT
FOR CORIZON DOE PRIVATE CORPORATION**

Plaintiff, without the assistance of counsel, filed this prisoner civil rights on February 28, 2020. (ECF No. 1). The case was later referred to the undersigned for all pretrial proceedings. (ECF No. 10). On June 25, 2021, Plaintiff filed his First Amended Complaint (“FAC”). (ECF No. 42). In his FAC, Plaintiff identifies Corizon Doe Private Corporation (“Corizon”) as a new defendant. A review of the record reveals Plaintiff has not provided an address nor designated an agent for receipt of service for Corizon.

In Plaintiff’s November 7, 2022, filing with the Court, Plaintiff provides the name and an address for Wellpath L.L.C., but Wellpath is not a party to this action. (ECF No. 101, PageID.1780). Michigan Court Rule 2.105(D)(1) provides for service on a domestic or foreign corporation as follows: “serving a summons

and a copy of the complaint on an officer or the resident agent” “The agent on whom service may be made must be one who is its agent in the usual sense of that term, not merely by construction of law, that is, he or she must be one having in fact representative capacity and derivative authority.” 6 Mich. Civ. Jur. Corporations § 542 (2017). Plaintiff did not provide the name of an officer or agent, and gave an address for service on a corporation that is not a party to this lawsuit.

A plaintiff bringing a complaint must specifically identify each defendant against whom relief is sought and must give each defendant notice of the action by serving on him or her a summons and a copy of the complaint. Where, as here, plaintiff is proceeding without having to prepay the filing fee, the district court bears the responsibility for issuing the plaintiff’s process to a United States Marshal, who must effectuate service on the defendants once the plaintiff has properly identified them in the complaint.

As it stands, the Court cannot serve the defendant. Accordingly, Plaintiff must supply the Court with the correct address and name of agent for defendant Corizon by **December 19, 2022**, so that service may be effectuated. Plaintiff is cautioned that if the Marshal cannot effectuate service on the defendants with the information provided, the onus remains on Plaintiff to discover and submit sufficient information for service of the defendants he has named in his lawsuit. In

that event, Plaintiff may be made to show good cause why this action should not be dismissed, without prejudice, as against any defendant that remains unserved after the expiration of the summons.

IT IS SO ORDERED.

Review of this Order is governed by Federal Rule of Civil Procedure 72 and Local Rule 72.1.

Date: November 22, 2022

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 22, 2022, by electronic means and/or ordinary mail.

s/Kristen MacKay
Case Manager
(810) 341-7850